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Gregory Brown

VIA ECF

October 13, 2009

Hon. Roanne L. Mann
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: David E. White Company, Inc. v. AAAP USA Corporation;
Case No. 08-cv-827 (FB) (RLM)**

Honorable Madam:

By endorsed order dated September 15, 2009, your Honor granted David E. White Company, Inc. a second extension of the deadline for the service its expert disclosure. The extension of time was intended to allow plaintiff time to obtain documents related to the clearance through customs of the produce around which this litigation revolves. Unfortunately, in reply to our service of a subpoena *duces tecum*, non-party Freight Brokers Global Services Inc. advised our office that it was not in possession of the desired documents. Those records are critical to this litigation, may potentially benefit each of the parties involved in this case and are needed for plaintiff to give adequate expert disclosure. Therefore, our office has served additional subpoenas on the United States Department of Agriculture and the Department of Homeland Security in a further effort to obtain the necessary records.

We are optimistic that one or both of these agencies will be able to produce the subpoenaed documents. Accordingly, plaintiff requests a further extension of time until November 15, 2009 to serve its expert disclosure. The attorneys for defendant AAAP USA Corp. and third-party defendant Lucca Freezer and Cold Storage, Inc. have consented to the adjournment on the condition that the deadline for their expert disclosure be extended to January 18, 2009. We have no objection to their request. Accordingly, plaintiff's request is on consent of all parties.

*Application granted, on consent.
The deadline for expert deposition
(2/26/10) and the date for the settlement
conference (3/5/10) remain unchanged.*

SO ORDERED

/s/

Roanne L. Mann

U.S. Magistrate Judge

Dated: 10/14/09

Hon. Roanne L. Mann

October 13, 2009

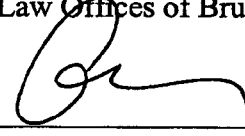
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This is plaintiff's third request for an extension of time, all prior requests having been granted as set forth above.

Thank you for your attention to this matter.

Respectfully yours,
Law Offices of Bruce Levinson

By:



Gregory Brown

cc.: Richard E Schrier, Esq. (via ECF)
David A. Group, Esq. (via ECF)
Trinity Fruit Sales Co.